

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	2:11-CR-063-JCM-(CWH)
)	
TONY AHN,)	
JOSEPH RAMIREZ,)	
DAVID EVANS, and)	
DAVID PECOR,)	
)	
Defendants.)	

SECOND AMENDED FINAL ORDER OF FORFEITURE

On September 6, 2012, the United States District Court for the District of Nevada entered an Amended Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(B); Title 18, United States Code, Section 1029(c)(1)(C); and Title 21, United States Code, Section 853(p) based upon the plea of guilty by defendant DAVID EVANS to the criminal offenses, forfeiting the property set forth in the Plea Memorandum, the Bill of Particulars, and the Forfeiture Allegations of the Criminal Indictment and shown by the United States to have the requisite nexus to the offenses to which defendant DAVID EVANS pled guilty. Criminal Indictment, ECF No. 1; Bill of Particulars, ECF No. 55; Change of Plea, ECF No. 57; Preliminary Order of Forfeiture, ECF No. 58; Plea Memorandum, ECF No. 59; Amended Preliminary Order of

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1 Forfeiture, ECF No. 129; Final Order of Forfeiture, ECF No. 131; Amended Final Order of Forfeiture,
2 ECF No. 175.

3 On September 20, 2012, the United States District Court for the District of Nevada entered an
4 Amended Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18,
5 United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18,
6 United States Code, Section 982(a)(2)(B); Title 18, United States Code, Section 1029(c)(1)(C); and
7 Title 21, United States Code, Section 853(p) based upon the plea of guilty by defendant DAVID
8 PECOR to the criminal offenses, forfeiting the property set forth in the Bill of Particulars and the
9 Forfeiture Allegations of the Criminal Indictment and shown by the United States to have the requisite
10 nexus to the offenses to which defendant DAVID PECOR pled guilty. Criminal Indictment, ECF No.
11 1; Bill of Particulars, ECF No. 55; Change of Plea, ECF No. 64; Preliminary Order of Forfeiture, ECF
12 No. 65; Amended Preliminary Order of Forfeiture, ECF No. 134; Final Order of Forfeiture, ECF No.
13 174.

14 On October 16, 2012, the United States District Court for the District of Nevada entered a
15 Second Amended Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2);
16 Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c);
17 Title 18, United States Code, Section 982(a)(2)(B); Title 18, United States Code, Section
18 1029(c)(1)(C); and Title 21, United States Code, Section 853(p) based upon the plea of guilty by
19 defendant JOSEPH RAMIREZ to the criminal offenses, forfeiting the property set forth in the Plea
20 Memorandum, the Bill of Particulars, and the Forfeiture Allegations of the Criminal Indictment and
21 shown by the United States to have the requisite nexus to the offenses to which defendant JOSEPH
22 RAMIREZ pled guilty. Criminal Indictment, ECF No. 1; Bill of Particulars, ECF No. 55; Change of
23 Plea, ECF No. 69; Preliminary Order of Forfeiture, ECF No. 70; Plea Memorandum, ECF No. 71;
24 Amended Preliminary Order of Forfeiture, ECF No. 140; Second Amended Preliminary Order of
25 Forfeiture, ECF No. 147.

26 . . .

1 On December 13, 2012, the United States District Court for the District of Nevada entered an
2 Amended Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18,
3 United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18,
4 United States Code, Section 982(a)(2)(B); Title 18, United States Code, Section 1029(c)(1)(C); and
5 Title 21, United States Code, Section 853(p) based upon the plea of guilty by defendant TONY AHN
6 to the criminal offenses, forfeiting the property set forth in the Plea Memorandum, the Bill of
7 Particulars, and the Forfeiture Allegations of the Criminal Indictment and shown by the United States
8 to have the requisite nexus to the offenses to which defendant TONY AHN pled guilty. Criminal
9 Indictment, ECF No. 1; Bill of Particulars, ECF No. 55; Change of Plea, ECF No. 114; Plea
10 Memorandum, ECF No. 115; Preliminary Order of Forfeiture, ECF No. 116; Amended Preliminary
11 Order of Forfeiture, ECF No. 156.

12 This Court finds the United States of America published the notice of forfeiture in accordance
13 with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively
14 from June 7, 2011, through July 6, 2011, as to defendant DAVID EVANS, notifying all potential third
15 parties and notified known third parties by personal service or by regular mail and certified mail return
16 receipt requested, of their right to petition the Court. Notice of Filing Proof of Publication, ECF No.
17 73; Notice of Filing Service of Process, ECF No. 160.

18 This Court finds the United States of America published the notice of forfeiture in accordance
19 with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively
20 from June 25, 2011, through July 24, 2011, as to defendant JOSEPH RAMIREZ, notifying all
21 potential third parties and notified known third parties by personal service or by regular mail and
22 certified mail return receipt requested, of their right to petition the Court. Notice of Filing Proof of
23 Publication, ECF No. 75; Notice of Filing Service of Process, ECF No. 160.

24 This Court finds the United States of America published the notice of forfeiture in accordance
25 with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively
26 from August 12, 2011, through September 10, 2011, as to defendant DAVID PECOR, notifying all

1 potential third parties and notified known third parties by personal service or by regular mail and
2 certified mail return receipt requested, of their right to petition the Court. Notice of Filing Proof of
3 Publication, ECF No. 85; Notice of Filing Service of Process, ECF No. 160.

4 This Court finds the United States of America published the notice of forfeiture in accordance
5 with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively
6 from December 22, 2012, through January 20, 2013, as to defendant TONY AHN, notifying all
7 potential third parties and notified known third parties by personal service or by regular mail and
8 certified mail return receipt requested, of their right to petition the Court. Notice of Filing Proof of
9 Publication, ECF No. 159; Notice of Filing Service of Process, ECF No. 160.

10 On July 10, 2013, Danny Ahn was served with the Notice, the Amended Preliminary Orders
11 of Forfeiture, and the Second Amended Preliminary Order of Forfeiture by regular mail and certified
12 return receipt mail. Notice of Filing Service of Process, ECF No. 160-1, p. 1-57.

13 On July 19, 2013, William J. Hornbuckle, in his official corporate capacity, was personally
14 served with the Notice, the Amended Preliminary Orders of Forfeiture, and the Second Amended
15 Preliminary Order of Forfeiture. Notice of Filing Service of Process, ECF No. 160-1, p. 58-84 and
16 ECF No. 160-2, p. 1-27.

17 On July 19, 2013, Victoria T. Ferraro, as a Registered Agent of an interested corporate party,
18 was personally served with the Notice, the Amended Preliminary Orders of Forfeiture, and the Second
19 Amended Preliminary Order of Forfeiture. Notice of Filing Service of Process, ECF No. 160-2, p. 28-
20 54.

21 On July 10, 2013, National Union Fire Insurance Co. was served with the Notice, the
22 Amended Preliminary Orders of Forfeiture, and the Second Amended Preliminary Order of Forfeiture
23 by regular mail and certified return receipt mail. Notice of Filing Service of Process, ECF No. 160-2,
24 p. 55-82 and ECF No. 160-3, p. 1-29.

25 On July 19, 2013, CSC Service Nevada, Registered Agent of National Union Fire Insurance
26 Co., AIG, was personally served with the Notice, the Amended Preliminary Orders of Forfeiture, and

1 the Second Amended Preliminary Order of Forfeiture. Notice of Filing Service of Process, ECF No.
2 160-3, p. 30-56.

3 On July 19, 2013, Sharon Tibbits was personally served with the Notice, the Amended
4 Preliminary Orders of Forfeiture, and the Second Amended Preliminary Order of Forfeiture. Notice of
5 Filing Service of Process, ECF No. 160-3, p. 57-83.

6 On August 9, 2013, National Union Fire Insurance Company of Pittsburgh, PA, filed a
7 Petition for Ancillary Hearing with the Court. Petition for Ancillary Hearing, ECF No. 161.

8 On August 30, 2013, the United States filed a Motion to Dismiss the Third-Party Claim of
9 National Union Fire Insurance Company. Motion to Dismiss the Third-Party Claim of National Union
10 Fire Insurance Company, ECF No. 164.

11 On December 16, 2013, the United States filed a Motion to Withdraw its Motion to Dismiss
12 Without Prejudice. Government's Motion to Withdraw its Motion to Dismiss Without Prejudice, ECF
13 No. 169.

14 On December 17, 2013, the Court granted an Order as to the Government's Motion to
15 Withdraw its Motion to Dismiss Without Prejudice. Order, ECF No. 170.

16 On February 18, 2014, the United States filed a Joint Status Report regarding the status of
17 settlement proceedings between the United States and National Union Fire Insurance Company. In it
18 the parties agreed, for the time being, to remove the matter from litigation in an attempt to facilitate
19 settlement through the administrative process instead. Status Report, ECF No. 171.

20 On November 17, 2014, the United States filed a Stipulation and Settlement Agreement as
21 between the United States of America, National Union and MGM. Stipulation and Settlement
22 Agreement, ECF No. 178.

23 On November 25, 2014, the Court granted the Stipulation and Settlement Agreement as
24 between the United States of America, National Union and MGM. Order, ECF No. 179.

25 This Court finds no other petitions were filed herein by or on behalf of any person or entity
26 and the time for filing such petitions and claims has expired.

1 This Court finds no petitions are pending with regard to the assets named herein and the time
2 for presenting such petitions has expired.

3 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, as to
4 defendants TONY AHN, JOSPEH RAMIREZ, and DAVID PECOR, and that no other person has
5 filed a claim or asserted an interest in any of the defendant properties, that all right, title, and interest
6 in the property hereinafter described is condemned, forfeited, and vested in the United States of
7 America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P. 32.2(c)(2); Title 18,
8 United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18,
9 United States Code, Section 982(a)(2)(B); Title 18, United States Code, Section 1029(c)(1)(C); and
10 Title 21, United States Code, Section 853(n)(7) and (p) and shall be disposed of according to law:

- 11 1. Motorola cell phone S/N SJUG5546AF;
- 12 2. Blackberry cell phone IMEI# 358453021785810;
- 13 3. Any and all funds in Bank of America account 5010-0002-7032 in the
14 amount of \$4,453.94;
- 15 4. \$10,940 in United States Currency (seized from Joseph Ramirez);
- 16 5. Glock 21, serial number NHP 408 (with 2 magazines);
- 17 6. Dragonov rifle, serial number D029-75 (with scope and 2 magazines);
- 18 7. Two swords in case, unknown make/model;
- 19 8. Ammo can with .308 rounds;
- 20 9. 2005 Black Harley Davidson Sportster, VIN# 1HD1CGP195K453157;
- 21 10. Any and all funds in Bank of America Account No. 11020-11128 in the
22 amount of \$15,035.38;
- 23 11. Any and all funds in Bank of America Account No. 5010-0865-1073 in the
24 amount of \$2,897.31;
- 25 12. 2007 Grey Dodge Ram, 1500 Quad Cab, VIN# 1D7HA18267S266252;
- 26 13. Black 1999 RE/MAX International Convention laptop bag;

14. Unitech MSR206u magnetic card reader;
15. Magnetic card reader power cord;
16. Magnetic card reader USB connection cord;
17. Magnetic card reader VGA connection cord;
18. Three Players Club cards;
19. Package of velcro wire retention straps;
20. Toshiba Satellite laptop, model number PSL2XU, serial number X5110890W;
21. Laptop power cord;
22. Several sheets of adhesive label paper;
23. Nokia cell phone;
24. Camel cigarette pack containing 17 Players Club cards with PIN numbers written on back, as follows:
 - Players Club card with PIN number 1234
 - Players Club card with PIN number 6280
 - Players Club card with PIN number 4270
 - Players Club card with PIN number 2323
 - Players Club card with PIN number 2222
 - Players Club card with PIN number 3251
 - Players Club card with PIN number 1961
 - Players Club card with PIN number 2210
 - Players Club card with PIN number 9433
 - Players Club card with PIN number 1937
 - Players Club card with PIN number 1110
 - Players Club card with PIN number 5181
 - Players Club card with PIN number 0823

1 Players Club card with PIN number 7777

2 Players Club card with PIN number 5117

3 Players Club card with PIN number 1723

4 Players Club card with PIN number 3188;

5 25. Disk located in disk drive of Toshiba laptop, identified as MSR 206U 1.

6 Demo 2. Programmer's Manual 3. USB Driver; and

7 26. An *in personam* criminal forfeiture money judgment of \$863,895.00 in United
8 States Currency.

9 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, as to defendant
10 DAVID EVANS, and that no other person has filed a claim or asserted an interest in any of the
11 defendant properties, that all right, title, and interest in the property hereinafter described is
12 condemned, forfeited, and vested in the United States of America pursuant to Fed. R. Crim. P.
13 32.2(b)(4)(A) and (B); Fed. R. Crim. P. 32.2(c)(2); Title 18, United States Code, Section 981(a)(1)(C)
14 and Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(B);
15 Title 18, United States Code, Section 1029(c)(1)(C); and Title 21, United States Code, Section
16 853(n)(7) and (p) and shall be disposed of according to law:

17 1. Motorola cell phone S/N SJUG5546AF;

18 2. Blackberry cell phone IMEI# 358453021785810;

19 3. Any and all funds in Bank of America account 5010-0002-7032 in the
20 amount of \$4,453.94;

21 4. \$10,940 in United States Currency (seized from Joseph Ramirez);

22 5. Glock 21, serial number NHP 408 (with 2 magazines);

23 6. Dragonov rifle, serial number D029-75 (with scope and 2 magazines);

24 7. Two swords in case, unknown make/model;

25 8. Ammo can with .308 rounds;

26 9. 2005 Black Harley Davidson Sportster, VIN# 1HD1CGP195K453157;

10. Any and all funds in Bank of America Account No. 11020-11128 in the amount of \$15,035.38;
11. Any and all funds in Bank of America Account No. 5010-0865-1073 in the amount of \$2,897.31;
12. 2007 Grey Dodge Ram, 1500 Quad Cab, VIN# 1D7HA18267S266252;
13. Black 1999 RE/MAX International Convention laptop bag;
14. Unitech MSR206u magnetic card reader;
15. Magnetic card reader power cord;
16. Magnetic card reader USB connection cord;
17. Magnetic card reader VGA connection cord;
18. Three Players Club cards;
19. Package of velcro wire retention straps;
20. Toshiba Satellite laptop, model number PSL2XU, serial number X5110890W;
21. Laptop power cord;
22. Several sheets of adhesive label paper;
23. Nokia cell phone;
24. Camel cigarette pack containing 17 Players Club cards with PIN numbers written on back, as follows:
 - Players Club card with PIN number 1234
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6 Players Club card with PIN number 0823

7 Players Club card with PIN number 7777

8 Players Club card with PIN number 5117

9 Players Club card with PIN number 1723

10 Players Club card with PIN number 3188;

11 25. Disk located in disk drive of Toshiba laptop, identified as MSR 206U 1.

12 Demo 2. Programmer's Manual 3. USB Driver; and

13 26. An *in personam* criminal forfeiture money judgment of \$399,999.99.00 in United
14 States Currency.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds,
16 including but not limited to, currency, currency equivalents, certificates of deposit, as well as any
17 income derived as a result of the United States of America's management of any property forfeited
18 herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

19 The Clerk is hereby directed to send copies of this Order to all counsel of record and three
20 certified copies to the United States Attorney's Office.

21 DATED December 3, 2014.

22
23
24 
25 UNITED STATES DISTRICT JUDGE
26

PROOF OF SERVICE

I, Ray Southwick, Forfeiture Support Associates Paralegal, certify that the following individuals were served with copies of the Second Amended Final Order of Forfeiture on December 2, 2014, by the below identified method of service:

CM/ECF

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/s/ Ray Southwick
Ray Southwick
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